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Attorney for Claimant
Beverly Cangialosi

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re	)	Case No. 19-30088-DM
)	
PG&E Corporation,	)	Chapter 11
	)	Lead Case, Jointly Administered
and)	
	)	MOTION PURSUANT TO FED. R. BANKR.
PACIFIC GAS AND ELECTRIC	)	PROC. 7015 AND 7017 TO ENLARGE TIME
COMPANY,	)	TO FILE PROOF OF CLAIM PURSUANT
	)	TO FED. R. BANKR. PROC. 9006(b)(1)
Debtors.)	
	)	Date: January 18 th , 2022
[x] Affects both Debtors	)	Time: 10:00 a.m. (Pacific Time)
	)	Place: Telephonic/Video Appearances Only
*All paper shall be filed in the Lead Case,	)	United States Bankruptcy Court
No. 19-30088-DM	)	Courtroom 17,
	)	450 Golden Gate Ave., 16 th Floor
	)	San Francisco, CA
	)	Judge: Hon. Dennis Montali
)	
	)	Objection Deadline: January 4 th , 2022

BACKGROUND

Pursuant to Rules 015 and 7017 of Federal Rules of Bankruptcy Procedure, which incorporate Federal Rules of Civil Procedure 15 and 17, by this motion ("Motion"), Beverly Cangialosi ("Movant") moves the court for an order expanding the time to file a Proof of Claim, and allow,

1 Claim Number (not yet assigned), that was filed on November 15th, 2021, with Prime Clerk and
2 submitted with this motion as “Exhibit A”, to be considered timely filed.

3 This Motion is based upon the points and authorities set forth herein and the concurrently
4 filed Notice of Hearing, Declaration of Beverly Cangialosi and Declaration of attorney Joseph Feist
5 in support of the Motion, in addition to any evidence or oral argument presented at the time of any
6 hearing on this matter. In support thereof, the Movants, by and through their undersigned counsel,
7 respectfully represent as follows:

8 **BASIS FOR RELIEF REQUESTED**

9 The general bar date in these cases was October 21, 2019 (“Original Bar Date”). The process
10 for submission of timely claims was continued after the Original Bar Date. Pursuant to the Stipulation
11 Between Debtors and Official Committee of Tort Claimants to Extend Bar Date for Fire Claimants
12 and for Appointment of Claims Representative (Dkt No. 4651), the Original Bar Date was extended
13 for the benefit of Unfiled Fire Claimants to December 31, 2019 at 5:00 p.m. (Prevailing Pacific
14 Time). The Debtors’ Chapter 11 plan (“Plan”) was confirmed by court order on June 20, 2020, and
15 pursuant to the Notice of Effective Date, the Plan became effective as of July 1, 2020.

16 This Motion relates to the claim of fire victim Beverly Cangialosi, who did not file a claim in
17 these matters prior to the bar date. Ms. Cangialosi's home was destroyed by the Camp Fire on
18 November 8, 2018 and she had insurance that covered most of her damages. Because she had
19 insurance, she did not think she was eligible for recovery in these proceedings and never sought the
20 advice of counsel to confirm that notion.

21 On November 2, 2021, Ms. Cangialosi spoke to attorneys with Northern California Law
22 Group and for the first time was made aware of the potential for recovery of damages as a fire
23 victim. Ms. Cangialosi subsequently retained counsel for this motion and the relief requested herein.

1 Pursuant to Rules 7015 and 7017 of Federal Bankruptcy Procedure (which incorporate
2 Federal Rules of Civil Procedure 15(c) and 17(a)(3)) because there is a lack of bad faith on the part of
3 the Movant and her counsel in not submitting Ms. Cangialosi's claim prior to the bar date, it is
4 respectfully requested the Court issue an order deeming her Proof of Claim timely filed to effectuate
5 the purpose of Rules 7015 and 7015, and the mistake should be allowed to be corrected by permitting
6 the late filing of her Proof of Claim under Bankruptcy Rule 9006(b).

7 Application of the *Pioneer* factors shows that Movants' late filing is the result of excusable
8 neglect and therefore permissible under Rule 9006(b)(1), the Supreme Court explained that Congress,
9 by empowering the courts to accept late filings where the failure to act was the result of excusable
10 neglect, plainly contemplated that courts would be permitted, where appropriate, to accept late filings
11 caused by inadvertence, mistake or carelessness, as well as by intervening circumstances beyond the
12 party's control. *Pioneer Inv. Servs. Co. v. Brunswick Associates L.P.*, (1993) 507 U.S. 380 at 388.
13 The Supreme Court further clarified that whether a claimant's neglect of a deadline is excusable is an
14 equitable determination, taking account of all the relevant circumstances surrounding the claimant's
15 omission. See *id.* At 395. These equitable considerations include (1) The danger of prejudice to the
16 debtor, (2) The length of the delay and its potential impact on judicial proceedings, (3) The reason for
17 the delay, including whether it was within the reasonable control of the movant, and (4) whether the
18 movant acted in good faith.

19 As to the first factor, Movants' late filing will cause no prejudice to Debtors, since the Plan
20 has been confirmed, the associated Fire Victim Trust funded, and so the inclusion of the Movants'
21 claim in the pool of fire victim claims will have no impact at all on the Debtors or the bankruptcy
22 estates.
23
24

1 As to the second factor, Movants' delay in filing this claim and any resultant impact on these
2 proceedings are exceedingly modest and immaterial for the same reasons that Debtors will not be
3 prejudiced.

4 As to the third factor, the reason for the delay and whether it was in Movants' reasonable
5 control, she had a reasonable belief that she was not entitled to any claim against PG&E due to her
6 home being insured. Prior to speaking with her current counsel, she had not previously received any
7 legal advice on her eligibility and potential for recovery under these proceedings.

8 As a final factor, Ms. Cangialosi is not legally sophisticated in such matters, and at the time of
9 the bar date, had a good faith belief that she was not eligible for recovery. Upon discovering that she
10 was potentially eligible, she proceeded forthwith in retaining counsel and filing this motion,
11 demonstrating her actions then and now were made in good faith.

12 Based on the above arguments and supporting evidence, Ms. Cangialosi requests her proof of
13 claim be deemed timely filed.

14 CONCLUSION

15 For the reasons set forth above, Movants respectfully request that this Court enter an order
16 pursuant to Bankruptcy Rules 7015, 7017, 9006(b)(1) as follows:

- 17 1. Granting this Motion;
- 18 2. Directing that Exhibit A, the Proof of Claim, Claim Number (not yet assigned), be
19 deemed timely filed;
- 20 3. Granting such other or further relief as the Court deems just and proper.

21 Dated: 11/15/2021

22 /s/ Joseph K. Feist

23 Joseph K. Feist
24 Attorney for Claimant